

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER VERA GUTIERREZ,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC
COMPANY, et al.,
Defendants.

Case No. [3:18-cv-02849-WHO](#)

ORDER DISMISSING CASE

Re: Dkt. Nos. 51, 52

Plaintiff Jennifer Gutierrez, who proceeds pro se, brings a variety of state and federal claims against defendant Pacific Gas & Electric Company (“PG&E”). Her claims arise from the parties’ ten-year dispute over bankruptcy, bill payment, and the multiple occasions on which PG&E has disconnected Gutierrez’s electricity and natural gas services.

On November 13, 2018, PG&E moved to dismiss the complaint. Dkt. No. 51. It argued that the state law claims fall under the exclusive jurisdiction of the California Public Utilities Commission (“CPUC”) and that Gutierrez fails to state a claim under federal law. Gutierrez’s opposition to that motion was due on November 27, 2018, on which day she instead filed an administrative motion to consider whether this action should be related to her case pending before the CPUC.¹ Dkt. No. 52. In the last line of that motion, she further requested that this case be stayed pending a ruling from the CPUC. She offered no legal or factual basis to support that request.

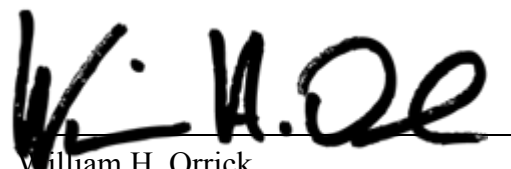
Gutierrez’s state law claims almost certainly fall within the CPUC’s exclusive jurisdiction to regulate utilities; however, without a basis for federal jurisdiction, I would decline to assert

¹ Cases can be related under the Civil Local Rules only if multiple similar cases are pending before different judges in *this* district. See Civ. L.R. 3-12.

jurisdiction over those claims. In any event, given Gutierrez's failure to timely oppose the motion to dismiss or to provide a basis for stay, PG&E's motion is GRANTED WITHOUT PREJUDICE. The December 19, 2018 hearing on this motion is hereby VACATED.

IT IS SO ORDERED.

Dated: December 13, 2018


William H. Orrick
United States District Judge